

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**MAY 5, 2010**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Krieger** called the City Council meeting to order.

**INVOCATION/PLEDGE**

**Nathan Shepherd**, Pastor of Generations Church, gave the invocation. **Steve Moore**, City Attorney, led the City Council in the pledge of allegiance.

**ROLL CALL**

Councilmembers Present: Stuart, Mendoza, Beeson, McClendon, Brooks-Gurrola, Johnson and Mayor Krieger  
Councilmembers Absent: none  
Staffmembers Present: City Administrator, Gregory K. Wilkinson  
Various Department Heads or their representative  
Deputy City Clerk, Lynda L. Bushong

**FINAL CALL**

**Mayor Krieger** made a final call for the submission of Speaker Request Forms from members of the audience.

**PRESENTATIONS**

**Mayor Krieger** and **Linda Collins**, Chairman of the Clean and Beautiful Commission, presented the 2010 Youth Conference Award to Mr. Lundgren's Church of Jesus Christ of Latter Day Saints youth group, many of whom were present. Approximately 200 youth and 60 adults teamed up to clean ten separate properties in the community – of great assistance to their elderly and needy owners.

**I. CALL TO THE PUBLIC**

**Ann Harrison**, 2747 Mesa Avenue, noted that approximately 65 young people came to an informational training session on elections held at the library recently. She suggested the City Council invite these youth to a experience a City Council meeting firsthand; she thanked members of the City Council for being so accommodating in attending local events when asked. **Wilkinson** noted that he and Mayor Krieger have discussed with Yuma Union High School officials the possibility of local students shadowing members of the City Council.

**Chuck Russell**, representing the local National Association for the Advancement of Colored People (NAACP), 2901 Palo Verde Lane, #9, invited City Councilmembers to attend the Freedom Fund Banquet at the Quality Inn on May 8, 2010. The event is a fundraiser for college scholarships for local high school students.

**Chuck Heeman**, new General Manager of the Yuma Scorpions baseball team, 2207 S. Camino Tierra, introduced himself, stating that good things are happening at the ball field. He thanked City staff for their excellent assistance.

**Ted Martinez**, Arizona Western College (AWC) Professor of Biology, 934 S. 8<sup>th</sup> Avenue, stated that the City's claim that trash collection is free is misleading. The environmental fee raises \$1.7 million and pays for trash collection, household hazardous waste disposal, the Neighborhood Cleanup program and drop off recycling. If and when recycling is added to the bill, the public will be upset, which will hinder recycling. Make the billing clear and accurate so it shows where the money really goes. **Wilkinson** stated he would provide Martinez with correct revenue and expenditure information.

## II. MOTION CONSENT AGENDA

**Motion (Mendoza/Beeson):** To adopt the Motion Consent Agenda as recommended. Voice vote: **approved 7-0.**

A. Approval of minutes of the following City Council meetings:

## Special City Council Meeting

March 16, 2010

B. Approval of Staff Recommendations:

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (Attny)
2. Authorize the execution of a Parks Use Permit Agreement between Yuma River Tubing and the City of Yuma for use of City property for the purpose of operating a commercial water tubing concession with the City. (P&R)
3. Authorize the execution of a Second Amendment to the Agreement with the Diamond Sports and Entertainment, Inc., dba the Golden Baseball League, and the City of Yuma, for use of the Ray Kroc Baseball Complex. (P&R)
4. Authorize City staff to sign the Grant Agreement with the City of Tucson for High Intensity Drug Trafficking Area (HIDTA) Grant. (YPD/Patrol)
5. Approve the final plat of 4<sup>th</sup> Avenue Properties Industrial Park Subdivision, Phase 2. The property is generally located at the northwest corner of 39<sup>th</sup> Place and 1<sup>st</sup> Avenue. The applicant is Edais Engineering, on behalf of 4<sup>th</sup> Avenue Industrial Development, AZ, LLC. (S2009-001-02) (CD/Planning)
6. Authorize the execution of Amendment #1 to the Yuma County Flood Control District Intergovernmental Agreement for Smucker Park Basin. (Eng/Admin)

### III. RESOLUTION CONSENT AGENDA

**Motion** (Mendoza/McClendon): To approve the Resolution Consent Agenda as recommended.

**Bushong** displayed the following title:

#### **Resolution R2010-24**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement permitting deferral of Citywide Development Fees and Water and Sanitary Sewer Capacity Fees for Lot 29 of Tillman Estates – Phases II & III Subdivision**  
(Applicants: Ramiro and Brenda Camarillo) (Eng/Admin)

Roll call vote: **adopted** 7-0.

### IV. ADOPTION OF ORDINANCES CONSENT AGENDA

**Motion** (McClendon/Mendoza): To adopt the Ordinance Consent Agenda as recommended.

**Bushong** displayed the following title:

#### **Ordinance O2010-22**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring certain parcels of real property, hereinafter described, surplus for use by the City and authorizing and directing that said parcels of real property, hereinafter described, be abandoned and conveyed to the United States Department of the Interior/Bureau of Reclamation for the reason that such action is required for the continued development and improvement of the Yuma Riverfront infrastructure and facilities and other public purposes as may be related thereto, and authorizing payment of all costs necessary for the abandonment and conveyance of said parcel of real property**  
(USBR; portions of Jones Street and Gila Street rights-of-way) (Eng/Admin)

Roll call vote: **adopted** 7-0.

### V. INTRODUCTION OF ORDINANCES

**Motion** (Stuart/McClendon): To continue Ordinance O2010-23 (Yuma City Code Amendment – Penalty for False Alarms at Businesses or Residences) to a future City Council meeting selected by the City Administrator, after further review by staff and input from affected businesses. Roll call vote: **adopted** 7-0.

**Bushong** displayed the following title:

#### **Ordinance O2010-24**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that certain easement parcels of real property, hereinafter described, be acquired by the City of Yuma, by gift, purchase or under the power of eminent domain, for the reason that such property is required to improve the public utility infrastructure and other public purposes as may be related thereto, and**

**authorizing payment therefor, together with costs necessary for the acquisition of said parcels of real property**

(Easement right-of-way acquisition for sewer construction 8<sup>th</sup> Street between Pima Lane and Raven Avenue) (Eng/Admin)

**Ordinance O2010-25**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain parcel of real property, hereinafter described, be acquired by the City of Yuma, by easement for the reason that such property is required to improve the public utility infrastructure and other public purposes as may be related thereto, and authorizing payment therefor, together with costs necessary for the acquisition of an easement for said parcel of real property**

(Avenue 3<sup>3</sup>/<sub>4</sub> E utility easement right-of-way) (Eng/Admin)

**Ordinance O2010-26**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that certain easements, hereinafter described, be conveyed to Arizona Public Service Company by the City of Yuma, for the reason that such easements are required for the development, operation and maintenance of the Fire Department Training Facility**

(Easements to APS, located along 36<sup>th</sup> Street and Avenue 4E at their intersection) (Eng/Admn)

**VI. FEDERAL COURTHOUSE AND RELATED ITEMS**

**Bushong displayed the following titles:**

**Ordinance O2010-27**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring a certain parcel of real property, hereinafter described, surplus for use by the City and authorizing its sale and conveyance to the United States General Services Administration for the purpose of construction of a Federal Courthouse**

(GSA) (YCNHA)

**Ordinance O2010-28**

**An ordinance of the City Council of the City of Yuma, Arizona to adopt the First Amendment to Yuma Riverfront Development First Phase Land and Improvements Lease between the City of Yuma and Clark-Lankford, L.L.C. for certain parcels of real property, hereinafter described, for the reason that such property transaction is necessary for the redevelopment of the Riverfront of the City of Yuma and authorizing payment of costs necessary for the lease of said parcels of real property and improvements and authorizing the City Administrator to execute all necessary documents regarding said real property transaction**

(Admin/YCNHA)

**Motion** (Johnson/Beeson): To approve Resolution R2010-25 as recommended.

**Bushong** displayed the following title:

**Resolution R2010-25**

**A resolution of the City Council of the City of Yuma, Arizona, to repeal Resolution 344 and Resolution 885**

(Admin/YCNHA)

Roll call vote: **adopted** 7-0.

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**Motion** (Johnson/McClendon): To approve Resolution R2010-26 as recommended.

**Resolution R2010-26**

**A resolution of the City Council of the City of Yuma, Arizona, to amend the R2003-72 (Yuma Crossing Design Guidelines) to exclude the proposed Federal Courthouse site**

(Admin)

Roll call vote: **adopted** 7-0.

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**Motion** (Johnson/Mendoza): To approve Resolution R2010-27 as recommended.

**Resolution R2010-27**

**A resolution of the City Council of the City of Yuma, Arizona, for a second amendment to the Amended and Restated Yuma Riverfront Master and First Phase Development and Disposition Agreement with Clark-Lankford, LLC for the redevelopment of the Yuma Riverfront**

(Admin/YCNHA)

Roll call vote: **adopted** 7-0.

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**VII. PUBLIC HEARINGS**

No Public Hearings were scheduled.

**VIII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

**Motion** (Beeson/Mendoza): To schedule Special City Council Worksessions on May 25 and 26, 2010 for the purpose of reviewing and discussing the City of Yuma's 2010-2011 Budget; these worksessions will be held in the City Hall Council Chambers at 2:00 p.m. each day. Voice vote: **approved** 7-0.

**Motion** (Johnson/Brooks-Gurrola): To approve the City Administrator's appointment of Lynda Bushong as the City Clerk, pursuant to Yuma City Charter, Article VI, Section 3(b); said appointment to be effective May 28, 2010. Voice vote: **adopted** 7-0.

**Johnson** reported on today's meeting of the State Rail Technical Advisory Team.

**Beeson** noted that the Tree Advisory Board Arbor Day Celebration resulted in the planting of 11 trees in Gateway Park.

#### IX. SUMMARY OF CURRENT EVENTS

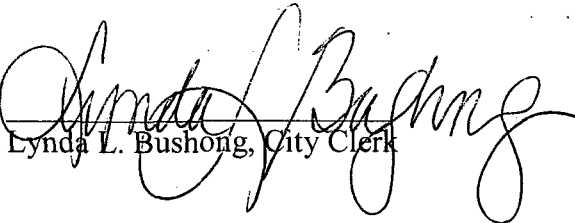
**Wilkinson:**

- Introduced Jay Simonton, the new Utilities Director. He has been trained in-house, having moved to Utilities from Engineering.
- Noted a promotional brochure on Yuma prepared by the Yuma Visitors Bureau, which was found by a staffmember on display in Chandler, Arizona – an example of how the Visitors Bureau is at work promoting the area.
- Noted two upcoming events: Mother's Day Champagne Brunch on May 9, 2010 at the Putter Inn; and, teen dance at the Yuma Civic Center on May 21, 2010.

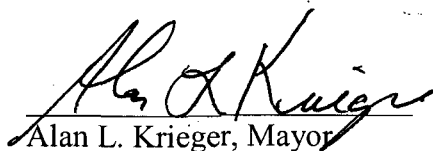
**Mayor Krieger** commented on the inordinate number of calls received by his office about the Yuma County Area Transit (YCAT) financial situation. Although three City Councilmembers sit on the YCAT Board of Directors, the Yuma Metropolitan Planning Organization (YMPO) is the agency that is actually making the decisions. YCAT is not an entity under the control of the City; the City is current on all its financial obligations to YCAT. Calls and questions should be directed to YMPO.

#### X. EXECUTIVE SESSION/ADJOURNMENT

**Motion** (Johnson/Beeson): To adjourn the meeting. Voice vote: adopted 7-0; the meeting adjourned at 6:06 p.m. No Executive Session was held.

  
Lynda L. Bushong, City Clerk

APPROVED:

  
Alan L. Krieger, Mayor

Approved at the City Council Meeting of:
<u>August 18, 2010</u>
City Clerk: <u>[Signature]</u>